

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

GENA SCOT CARROLL,)
)
Petitioner,)
)
v.) Civil Action No. 1:15-cv-00075-LSC-JEO
)
WARDEN PATRICE R. RICHIE,)
)
Respondent.)

MEMORANDUM OPINION

Gena Scot Carroll has filed a petition for a writ of habeas corpus challenging disciplinary action taken against her. (Doc. 1). Specifically, she alleges that the respondent improperly determined she was guilty of fighting while she was incarcerated at the Birmingham Community-Based Work Release Facility. (*Id.* at 2). She further asserts that the disciplinary action is impacting her eligibility for various programs. (*Id.*)

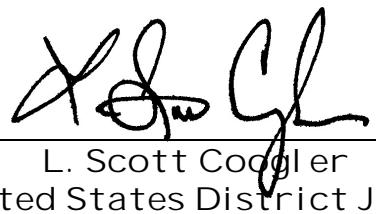
The respondent was ordered to respond to the petitioner's claims. (Doc. 2). Warden Patrice Richie asserts that the petition is due to be dismissed because Carroll has not exhausted her administrative remedies, she is seeking unavailable relief, and her claim is barred because she has not suffered a constitutional deprivation in violation of the due process clause. (Doc. 3 at 1-2). Despite being offered an opportunity to respond (*see* doc. 2 at 1), the petitioner has failed to do so.

This action is due to be dismissed for a number of reasons. First, the petitioner has not exhausted her state remedies. Particularly, she has failed to seek state court review of this claim. The petitioner offers nothing to dispute the respondent's claim that she has failed to exhaust her state court remedies. To the contrary, the petition indicates she did not seek state review before

filings the present action. (Doc. 1 at 2-3). Second, the petitioner's conclusory claim does not evidence a constitutional deprivation entitling her to relief. To justify relief, the petitioner must show that the disciplinary action about which she complains is an "atypical, significant deprivation in which a State might conceivably create a liberty interest." *Sandin v. Conner*, 515 U.S. 472, 486 (1995). This she has failed to do.

Premised on the foregoing, this action is due to be dismissed without prejudice. A separate order of dismissal will be entered.

Done this 25th day of July 2017.



L. Scott Cogler
United States District Judge
[160704]